



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Jonathan M. J. Derry, William C. Fanslow,
III, and William C. Dougall

Docket No.: 3198

Group Art Unit: 1631

Serial No: 09/851,673

Examiner: Carolyn L. Smith

Filed: May 8, 2001

For: SCREENING ASSAYS FOR AGONISTS OR ANTAGONISTS OF CD40
SIGNALING

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to an Office Action having a mailing date of September 26, 2002, in which the Examiner restricted the invention into groups I through XI and required Applicants to elect one of the inventions set forth by the Examiner, Applicants elect the invention of Group II, drawn to a method for identifying compounds that inhibit binding of NEMO and CYLD; claim 2 falls within this group. Please withdraw claims 1 and 3 through 24 without prejudice. Applicants specifically reserve the right to pursue the invention(s) defined by subject matter removed from the claims.

The Office Action further set forth a species election requirement with respect to Group II, delineating two species, namely a method for identifying compounds which are antibodies and a method for identifying compounds which are non-antibodies. Applicants note that 37 CFR 1.146 states that election of species is required where the application contains claims directed to more than a reasonable number of species, and respectfully submit that two is not an unreasonable number of species. Nonetheless, in an effort to be cooperative and speed allowance of the claims, Applicants elect the first species set forth, relating to a method for identifying compounds that inhibit binding of NEMO and CYLD wherein the compounds are antibodies, without prejudice. Applicants specifically reserve the right to submit claims encompassing additional species for consideration.

In view of the election and amendment, Applicants request favorable consideration of the application and speedy allowance of the claims.

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Respectfully submitted,


Patricia Anne Perkins
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Date: October 29, 2002

Signed: Camilla C. Edwards
Camilla C. Edwards

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